

GENERAL COUNSEL
OF COPYRIGHT

JUL 29 1998

Before the
UNITED STATES COPYRIGHT OFFICE
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GENERAL COUNSEL
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In the Matter of)
)
DIGITAL PHONORECORD DELIVERY) Docket No. 96-4 CARP DPRA
RATE ADJUSTMENT PROCEEDING)
-----X

NOTICE OF INTENT TO PARTICIPATE OF NMPA, HFA AND SGA

Pursuant to the Copyright Office's Notice of July 1, 1998, 63 Fed.

Reg. 35,984, the National Music Publishers' Association ("NMPA"), The Harry Fox Agency, Inc. ("HFA") and The Songwriters Guild of America ("SGA") hereby notify the Copyright Office of their intention to participate in any proceedings before a Copyright Arbitration Royalty Panel ("CARP") should one be convened in this matter.^{1/}

Dated: July 28, 1998

Respectfully submitted,

NATIONAL MUSIC PUBLISHERS'
ASSOCIATION and THE HARRY FOX
AGENCY, INC.

By: _____

Edward P. Murphy

President and CEO
711 Third Avenue
New York, New York 10017
(212) 370-5330

^{1/} In a memorandum filed with the Copyright Office on July 21, 1998, NMPA, HFA and SGA, along with the Recording Industry Association of America, Inc. ("RIAA"), expressed their view that there is no legal basis for a CARP proceeding in this matter. This Notice is without prejudice to the position stated in that memorandum.

PAUL, WEISS, RIFKIND, WHARTON
& GARRISON

By: Peter L. Felcher
Peter L. Felcher
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Counsel for the National Music Publishers'
Association and The Harry Fox Agency, Inc.

THE SONGWRITERS GUILD OF AMERICA

By: George David Weiss by PDR
George David Weiss

President
1500 Harbor Boulevard
Weehawken, New Jersey 07087
(201) 867-7603

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of July, 1998 served the foregoing Notice of Intent to Participate of NMPA, HFA and SGA by first class mail on each of the below-listed counsel.


Natalia T. Sorgente

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<p>Bruce G. Joseph Wiley, Rein & Fielding 1776 K Street, N.W. Washington, D.C. 20006 (202) 429-7258</p> <p>Counsel for the United States Telephone Association</p>	<p>Marvin L. Berenson Senior Vice President/General Counsel Broadcast Music, Inc. 320 West 57th Street New York, New York 10019 (212) 830-2533</p>
<p>Cary H. Sherman Recording Industry Association of America, Inc. Senior Executive Vice President and General Counsel 1330 Connecticut Avenue, N.W. Suite 300 Washington, D.C. 20036 (202) 775-0101</p>	<p>Michael J. Remington Drinker Biddle & Reath LLP Suite 900 901 15th Street, N.W. Washington, D.C. 20005 (202) 842-8800</p> <p>Counsel for Broadcast Music, Inc.</p>